

AMENDED IN SENATE MAY 8, 1997

SENATE BILL

No. 952

Introduced by Senator Johnson

February 27, 1997

An act to amend Section 51769 of the Education Code, and to amend Section 3368 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 952, as amended, Johnson. Workers' compensation: apprenticeship programs.

Existing law provides that any school district, county superintendent of schools, or school administered by the State Department of Education, that provides training to pupils through work experience education, cooperative vocational education, or community classrooms, as those terms are defined by regulations, is considered to be an employer for the purpose of provisions of law governing workers' compensation, as specified.

This bill would extend these provisions to apprenticeship programs registered by the Division of Apprenticeship Standards *of the Department of Industrial Relations*, relative to registered student apprentices, as defined. The bill would also make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51769 of the Education Code is
2 amended to read:
3 51769. (a) Notwithstanding any provision of this
4 code or the Labor Code to the contrary, the school
5 district, county superintendent of schools, or any school
6 administered by the State Department of Education,
7 under whose supervision work experience education,
8 cooperative vocational education, or community
9 classrooms, as defined by regulations adopted by the
10 Superintendent of Public Instruction, or a job shadowing
11 experience, as defined in subdivision (b), or *student*
12 apprenticeship programs registered by the Division of
13 Apprenticeship Standards *of the Department of*
14 *Industrial Relations* for registered student apprentices,
15 are provided, shall be considered the employer under
16 Division 4 (commencing with Section 3200) of the Labor
17 Code of persons receiving this training unless the persons
18 during the training are being paid a cash wage or salary
19 by a private employer, except in the case of registered
20 student apprentices, when the school district, county
21 superintendent of schools, or any school administered by
22 the State Department of Education elects to provide
23 workers' compensation insurance, or unless the person or
24 firm under whom the persons are receiving work
25 experience or occupational training elects to provide
26 workers' compensation insurance. A registered student
27 apprentice is a registered apprentice who is (1) at least
28 16 years of age, (2) a full-time high school student in the
29 10th, 11th, or 12th grade, and (3) in an apprenticeship
30 program for registered student apprentices registered
31 with the Division of Apprenticeship Standards. An
32 apprentice, while attending related and supplemental
33 instruction classes, shall be considered to be in the employ
34 of the apprentice's employer and not subject to this
35 section, unless the apprentice is unemployed. Whenever
36 this work experience education, cooperative vocational
37 education, community classroom education, or job
38 shadowing, or *student* apprenticeship program

1 registered by the Division of Apprenticeship Standards
2 for registered student apprentices, is under the
3 supervision of a regional occupational center or program
4 operated by two or more school districts pursuant to
5 Section 52301, the district of residence of the persons
6 receiving the training shall be deemed the employer for
7 the purposes of this section.

8 (b) For purposes of this section, “job shadowing
9 experience” means a visit to a work place for the purpose
10 of career exploration for no less than three hours and no
11 more than 25 hours in one semester, intersession, or
12 summer school session.

13 SEC. 2. Section 3368 of the Labor Code is amended to
14 read:

15 3368. Notwithstanding any provision of this code or
16 the Education Code to the contrary, the school district,
17 county superintendent of schools, or any school
18 administered by the State Department of Education
19 under whose supervision work experience education,
20 cooperative vocational education, or community
21 classrooms, as defined by regulations adopted by the
22 Superintendent of Public Instruction, or *student*
23 apprenticeship programs registered by the Division of
24 Apprenticeship Standards for registered student
25 apprentices, are provided, shall be considered the
26 employer under Division 4 (commencing with Section
27 3200) of persons receiving this training unless the persons
28 during the training are being paid a cash wage or salary
29 by a private employer, except in the case of registered
30 student apprentices, when the school district, county
31 superintendent of schools, or any school administered by
32 the State Department of Education elects to provide
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3 instruction classes, shall be considered to be in the employ
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8 apprenticeship program registered by the Division of
9 Apprenticeship Standards for registered student
10 apprentices, is under the supervision of a regional
11 occupational center or program operated by two or more
12 school districts pursuant to Section 52301 of the Education
13 Code, the district of residence of the persons receiving
14 the training shall be deemed the employer for the
15 purposes of this section.

